

10:53:32 1 A. No.

10:53:35 2 Q. Were you looking in the car at the time?

10:53:39 3 A. I don't believe so.

10:53:40 4 Q. You hear no response from Mr. Owensby.

10:53:47 5 What's the next thing that happens?

10:53:51 6 A. The sergeant starts to give some orders to
10:53:54 7 the other officers.

10:53:55 8 Q. This is after he's opened the door?

10:54:00 9 A. Correction. Let me back up.

10:54:01 10 Sergeant gets on his radio, calls for

10:54:03 11 medical, and he starts giving directions to the

10:54:10 12 officers to get Mr. Owensby out of the car.

10:54:14 13 Q. Does all of this occur after the sergeant
10:54:16 14 has opened the back door, the driver's side back
10:54:20 15 door?

10:54:20 16 A. Yes.

10:54:22 17 Q. When the sergeant opened the driver's side
10:54:25 18 back door did he reach in and touch Mr. Owensby?

10:54:31 19 A. I don't know.

10:54:31 20 Q. What happens after that?

10:54:38 21 A. Sergeant Watts is giving directions to the
10:54:42 22 officers to get him out. I walked over to the other
10:54:48 23 side and stood off to the side with Officer
10:54:51 24 Campbell.

10:56:20 1 A. Are you asking for my opinion?

10:56:22 2 Q. Well, based on your experience as an EMT
10:56:25 3 and as a medic.

10:56:26 4 A. It could.

10:56:28 5 Q. Were you there when the, I guess, fire
10:56:32 6 rescue, Cincinnati Fire Rescue, arrived?

10:56:36 7 A. I was still there.

10:56:38 8 Q. Did you observe what those people, the
10:56:43 9 fire rescue, did?

10:56:51 10 A. I don't recall.

10:56:54 11 Q. Do you recall hearing anyone from the fire
10:56:57 12 rescue when they arrived telling the officers to
10:57:00 13 remove the handcuffs from Mr. Owensby?

10:57:04 14 A. I don't recall.

10:57:17 15 Q. Did you assist in any way in performing
10:57:20 16 CPR or providing any medical aid for Mr. Owensby
10:57:23 17 once he was taken out of the car?

10:57:26 18 A. No, sir.

10:57:26 19 Q. Did Officer Campbell?

10:57:32 20 A. No, sir, I don't believe so. He went to
10:57:36 21 get a mask, if that's assisting.

10:57:41 22 Q. Explain to me what a mask is.

10:57:43 23 A. A CPR mask, basically just a round
10:57:47 24 plastic, sometimes plastic, mask. The ones we have

12:06:23 1 Q. Do you know whether or not Golf Manor had
12:06:25 2 a policy or guidance for its officers on November 7,
12:06:29 3 2000 to address the situation where a Golf Manor
12:06:34 4 officer is asked to give permission to place a
12:06:41 5 person who has been arrested by another police
12:06:44 6 department in a Golf Manor cruiser?

12:06:47 7 MR. WEISENFELDER: Objection.

12:06:48 8 Go ahead, you can answer.

12:06:50 9 A. I knew at that time, based on working,
12:06:57 10 training, that we could go over to other departments
12:07:00 11 and assist them with whatever they needed.

12:07:06 12 Q. I don't mean to cut you off.

12:07:07 13 A. That's okay.

12:07:08 14 Q. That was this mutual aid agreement that
12:07:13 15 was signed by the various police departments in the
12:07:17 16 greater Cincinnati area?

12:07:18 17 A. Correct.

12:07:19 18 Q. Other than knowing that you could assist
12:07:26 19 other police departments, do you know whether or not
12:07:29 20 there was any policy or guidance or custom in place
12:07:33 21 at Golf Manor to address what an officer's duties
12:07:40 22 and responsibilities were where another police
12:07:43 23 department asked him to place their prisoner in his
12:07:49 24 car?

12:11:47 1 police force but placed in your cruiser?

12:11:50 2 MR. WEISENFELDER: Objection.

12:11:51 3 Go ahead.

12:11:52 4 A. My understanding at that time is I would
12:11:55 5 be responsible for my prisoners, anybody that was in
12:11:59 6 my custody. If somebody is not my prisoner, not in
12:12:03 7 my custody, then on the assistance call if somebody
12:12:10 8 puts their prisoner in the back of my car, they
12:12:13 9 asked to put them in the back of my car and I'm
12:12:17 10 there for assistance. It's their prisoner and it's
12:12:19 11 in their custody. So it's their responsibility.

12:12:29 12 Q. Did you have any understanding that by
12:12:32 13 accepting the prisoner and placing him in the back
12:12:35 14 seat of the Golf Manor cruiser that the prisoner was
12:12:39 15 now in your custody?

12:12:41 16 MR. WEISENFELDER: Objection as to the
12:12:44 17 word "accepting."

12:12:45 18 Go ahead and answer.

12:12:46 19 A. No.

12:12:51 20 Q. Did you receive any training as to the
12:12:54 21 distinction we've just been talking about, that
12:12:57 22 whether or not a prisoner placed in a Golf Manor car
12:13:01 23 from another jurisdiction, as to who had custody of
12:13:06 24 the prisoner?

12:13:11 1 A. From going to other calls and seeing it
12:13:13 2 done before, the prisoner's always the arresting
12:13:17 3 officer's or the agency's jurisdiction where you're
12:13:21 4 at.

12:13:21 5 Q. You had had this arise in the past?

12:13:25 6 A. I have seen it done on other calls.

12:13:30 7 Q. Before November 7, 2000?

12:13:36 8 A. I don't recall exact dates, but, yeah.

12:13:39 9 Q. But before the night of November 7, 2000;
12:13:42 10 is that right?

12:13:42 11 A. Yes.

12:13:53 12 Q. Did you feel that you had any
12:13:54 13 responsibility for the well-being of Mr. Owensby?

12:13:56 14 A. No.

12:13:56 15 MR. WEISENFELDER: Objection.

12:13:58 16 Go ahead.

12:14:06 17 Q. Regardless of who is technically
12:14:08 18 responsible for the well-being of a prisoner, if you
12:14:11 19 know that a prisoner is injured and needs medical
12:14:14 20 attention, is it your understanding that you have a
12:14:17 21 duty to provide medical attention?

12:14:25 22 A. Yes.

12:14:26 23 Q. You knew that this person, Mr. Owensby,
12:14:31 24 had blood around his nose and mouth; is that right?

12:44:21 1 Police Department however they needed.

12:44:24 2 Q. You see that it says the same duties as if
12:44:29 3 taking action within the territory of Golf Manor.

12:44:35 4 A. Yes.

12:44:36 5 Q. If you were responding in the territory of
12:44:46 6 Golf Manor to the arrest of Mr. Owensby would you
12:44:53 7 have been responsible for his well-being?

12:44:58 8 A. If he was my prisoner --

12:45:00 9 MR. WEISENFELDER: Objection.

12:45:00 10 Go ahead.

12:45:01 11 A. If he was my prisoner, yes.

12:45:09 12 Q. If he was not your prisoner, but you were
12:45:14 13 located in Golf Manor and he was placed in your car,
12:45:21 14 would you have been responsible for his well-being?

12:45:25 15 MR. WEISENFELDER: Objection.

12:45:25 16 Go ahead.

12:45:37 17 A. No.

12:45:37 18 Q. Why not?

12:45:41 19 A. Because he wasn't my prisoner. Unless the
12:45:45 20 arresting officer specifically asked me, "Can you
12:45:58 21 keep an eye on my prisoner for me? I've got to go
12:45:58 22 here."

12:45:58 23 Q. Say this takes place in Golf Manor and the
12:45:59 24 arresting officer is Officer Campbell, and you show

14:05:56 1 officer is to remain with the cruiser if a
14:05:59 2 handcuffed person is inside. Do you know what
14:06:02 3 policy that is, which one of the Golf Manor
14:06:08 4 policies?

14:06:08 5 A. It's 6-07. I don't know. I think it's
14:06:18 6 one of them that was passed out.

14:06:20 7 Q. The prisoner transportation one?

14:06:22 8 A. Yes.

14:06:26 9 Q. Is that what you were talking about, the
14:06:28 10 policy about you had to remain at the cruiser if a
14:06:32 11 handcuffed person was inside?

14:06:35 12 A. Yes.

14:06:35 13 Q. I think you've indicated that that policy
14:06:38 14 didn't apply in this particular case because this
14:06:41 15 was not your prisoner and you were not going to
14:06:44 16 transport him?

14:06:45 17 MR. MARTINS: Objection.

14:06:46 18 MR. WEISENFELDER: Go ahead.

14:06:46 19 A. Correct. He was not my prisoner and I was
14:06:49 20 not going to transport him.

14:07:06 21 Q. Did you see, from the time that you
14:07:08 22 arrived until you left the scene, did you see any
14:07:13 23 Cincinnati police officer strike Mr. Owensby in any
14:07:15 24 way?

14:07:16 1 A. No.

14:07:35 2 Q. Did you believe that Roger Owensby was
14:07:37 3 unconscious when he was placed in your vehicle?

14:07:40 4 MR. WEISENFELDER: Objection.

14:07:41 5 Go ahead.

14:07:42 6 A. No.

14:07:43 7 Q. Would you have allowed them to place him
14:07:45 8 in your vehicle if you had thought he was
14:07:48 9 unconscious?

14:07:50 10 MR. WEISENFELDER: Objection.

14:07:51 11 Go ahead.

14:07:51 12 A. No.

14:07:52 13 Q. Would you have allowed them to place him
14:07:55 14 in the vehicle if you thought he was seriously
14:07:56 15 injured?

14:07:58 16 MR. WEISENFELDER: Objection.

14:07:59 17 Go ahead.

14:07:59 18 A. No.

14:08:00 19 Q. With respect to the time that you went
14:08:04 20 over to the car to look in, do you recall that
14:08:07 21 testimony, where at some point after he was placed
14:08:12 22 in the car you returned to the car to look in it?

14:08:15 23 A. Yes, sir.

14:08:15 24 Q. You said you didn't use your flashlight.